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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/520,601	08/02/2005	Christopher Stevens	20177/3078/2003	5954
34431 7590 07/21/2010 HANLEY, FLIGHT & ZIMMERMAN, LLC 150 S. WACKER DRIVE SUITE 2100 CHICAGO, IL 60606			EXAMINER HSU, RYAN	
			ART UNIT 3714	PAPER NUMBER
			NOTIFICATION DATE 07/21/2010	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary**Application No.**

10/520,601

Applicant(s)

STEVENS, CHRISTOPHER

Examiner

RYAN HSU

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 October 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 31-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 31-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date: _____

DETAILED ACTION

In response to the amendments filed on 8/31/09, claims 1-30 have been canceled without prejudice and claims 31-36 have been newly added. Claims 31-36 are pending in the current application.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 31-36 are rejected under 35 U.S.C. 102(b) as being anticipated by Marta (US 6,394,901 B1).**

3. Regarding claim 31 and 34, Marta teaches a gaming device that is configured as a slot machine for play of the dice game of craps (*see col. 5: ln 23-65*). The game of craps comprises the play of a first game and a play of a second game depending on the outcome of the roll of the dice as determined by the plurality of die symbols that are rolled by the player (*see col. 6: ln 13-62*). Marta teaches a gaming machine that randomly generates a plurality of die symbols to select the numerical values on the die symbols and the system is arranged to obtain the numerical values from the die symbols (*see col. 2: ln 50-col. 7: ln 25*). Furthermore, the game of craps provides for determining whether the numerical values meet a predefined criterion and commencing the play of the second game if it is determined that the numerical values meet the predefined criterion. The game of craps consists of an evolution of dice rolling games that have been integrated into one another. The first game of craps exists on a pass or don't pass bet by the player where a 7 or 11 is desired for players on the pass line and 2,3, or 12 is desired for those

who bet the don't pass line (*see col. 3: ln 58-col. 4: ln 19*). If none of these conditions occur then a predefined criterion commences to a second game where a point is established (ie; the number rolled) and a player will win respectively if he/she is able to roll the number again before a '7' is rolled. Additionally, the dice provide for various wagers that are available which are explained in detail by Marta (*see col. 2: ln 10-col. 3: ln 24*).

4. Regarding claim 32 and 35, Marta teaches a game controller that is arranged for using the numerical values as a basis for selecting one of a plurality of different start conditions from which the play of the second game will commence (*ie: if a 2,3, 7, or 12 has not been rolled then a point has been established*) (*see col. 2: ln 10-col. 3: ln 24, col. 8: ln 25-47*).

5. Regarding claim 33 and 36, Marta teaches a game controller wherein the predetermined criterion comprises any one of i) all the numerical values being of equal value to each other; and ii) the total sum value of the numerical values is equal to a predefined value (*see col. 2: ln 10-col. 3: ln 24*).

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 31-36 rejected under 35 U.S.C. 103(a) as being unpatentable over Hughs-Baird et al. (US 2003/0064790 A1).**

3. Regarding claims 31, 33, 34, and 36, Hughs-Baird et al. teaches a gaming machine comprising a game controller arranged to facilitate a play of a first game (*see paragraph [0052]*) and a play of a second game wherein the game controller is arranged to: randomly generate a plurality of symbols as an outcome for the play of the first game and determine whether the plurality of symbols comprises a plurality of die symbols (*see paragraph [0018-0022]*). Additionally, Hughs-Baird teaches randomly selecting a plurality of numerical values if it is determined that the symbols comprise the die symbols, wherein the game controller is arranged to obtain the numerical values from die symbols (*see paragraph [0077-0080]*). If the appearance of the die symbols occur on the reels it is determined on whether the numerical values of the corresponding dice meet one of the corresponding predefined criterion: all of the numerical values being of equal value to each other and the total sum value of the numerical values is equal to a predefined value (*see paragraph [0078, 0081-0083]*). While Hughs-Baird does not specifically teach providing the dice symbols in the base game to have a total sum value of a numerical value it does teach that the corresponding mechanical dice displays will display a value that will result in the award amount granted to the player. Additionally, Hugh-Baird specifically teaches that a matching condition between ‘7’ symbols must be a predefined condition in the primary game must be equal to one another in order to trigger the dice bonus round (*see paragraph [0062-0064]*). The use of matching value conditions or the total sum value of a numerical value provide the expected result of indicating to a user when a triggering condition has been met and the start of a second game (*see paragraph [0062]*). To implement the use of different dice symbols would produce the expected result of increasing the number of combinations that could occur for a user to enter into the gaming bonus and would therefore increase the excitement for the player (*see paragraph [0056]*). Therefore it would have been

obvious to one of ordinary skill in the art at the time the invention was made to modify the reference of Hugh-Baird to provide matching dice symbols and in addition various types of dice symbols at the time the invention was made to trigger a predefined condition into a bonus game.

4. Regarding claims 32 and 35, Hugh-Baird teach a gaming machine wherein the game controller is arranged using the symbols as a basis for selecting one of a plurality of different start conditions from which the play of the second game will commence it does not teach using the numerical value of dice symbols to determine which dices will be selected in operating the bonus round. The occurrence of dice symbols in the basic reel configuration directly effects the starting conditions of the bonus game (*see paragraph [0018-0020]*). One would be motivated to incorporate different starting conditions based on different predefined conditions in order to cultivate a layer of excitement to the player. Therefore it would have been obvious to one of ordinary skill in the art to modify the dice symbols triggers to implement the numerical value of the dice symbols to determine the starting condition of the bonus round.

Response to Arguments

5. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

.Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RYAN HSU whose telephone number is (571)272-7148. The examiner can normally be reached on 9 :00-17:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hotaling can be reached on (571)272-4437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John M Hotaling II/
Primary Examiner, Art Unit 3714

RH
July 14, 2010